

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COREY B. PHILLIPS and ALICIA S. PHILLIPS	:	CIVIL ACTION #02-3749
PLAINTIFFS	:	
vs.	:	JURY TRIAL DEMANDED
WEST NORRITON TOWNSHIP	:	
MANRICO A. TRONCELLITI, JR.	:	
EDWARD J. BARTOSZEK	:	
BARBARA A. BERGSTRASSER	:	
GEORGE J. STOJKANOVICH	:	
MICHAEL A. VEREB, INDIVIDUALLY AND IN	:	
THEIR OFFICIAL CAPACITY AS COMMISSIONERS	:	
OF WEST NORRITON TOWNSHIP	:	
THE BOARD OF COMMISSIONERS OF WEST	:	
NORRITON TOWNSHIP	:	
JOSEPH J. HEIN, INDIVIDUALLY AND IN HIS	:	
OFFICAL CAPACITY AS TOWNSHIP MANAGER:	:	
OF WEST NORRITON TOWNSHIP	:	
ROBIN DEANGELIS, INDIVIDUALLY AND IN	:	
HER OFFICIAL CAPACITY AS ASSISTANT	:	
TOWNSHIP MANAGER OF WEST NORRITON	:	
TOWNSHIP	:	
DEFENDANTS	:	

**MOTION OF DEFENDANTS PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)
FOR PARTIAL DISMISSAL OF PLAINTIFFS' COMPLAINT**

The Defendants herein, by and through their counsel, Robert P. DiDomenicis, Esquire, hereby move this Honorable Court pursuant to F.R.C.P. 12(b)(6) to enter an Order dismissing portions of Plaintiff's Complaint, and, in support thereof, aver the following:

1. Plaintiff initiated this action by the filing of a Complaint in the United States District Court for the Eastern District of Pennsylvania on or about June 13, 2002 at #02-CV-3749. (A true and correct copy of Plaintiffs' Complaint is attached hereto, made a part hereof and incorporated herein by reference).

2. Moving Defendants are the Township of West Norriton, Commissioners Troncelliti, Bartoszek, Bergstrasser, Stojkanovich and Vereb, individually and in their official capacity as Commissioners of West Norriton Township, the Board of Commissioners of West Norriton Township, Joseph J. Hein, individually and in his official capacity as Township Manager and Robin DeAngelis, individually and in her

official capacity as Assistant Township Manager.

3. Plaintiff alleges that his cause of action arose on March 13, 2002 when his employment relationship with West Norriton Township was terminated (See ¶18 of Plaintiffs' Complaint and Exhibit "B" to Plaintiffs' Complaint which is identified as the "Termination Notice" in Plaintiffs' Complaint).

4. Plaintiff alleges that the conduct of Defendants in terminating his employment violated his right to due process and his liberty interest. (See ¶¶ 28-33 and ¶¶ 36-39 of Plaintiffs' Complaint).

5. Plaintiff further complains that this action was taken in violation of the Sunshine Law of the Commonwealth of Pennsylvania, the Local Agency law and the First Class Township Code. (See ¶¶ 34,35,44 and 45 of Plaintiffs' Complaint).

6. Plaintiff further alleges that this action on behalf of the Township constituted a breach of contract and interference with a contract of employment. (See ¶¶ 46 through 49 and ¶¶ 54 and 55 of Plaintiffs' Complaint).

7. The aforementioned claims of the Plaintiff fail to state claims upon which relief can be granted.

8. Plaintiff's claims for punitive damages against the municipal Defendant and the individual Defendants in their official capacity fail to state claims upon which relief can be granted.

WHEREFORE, Defendants respectfully request that this Honorable Court enter an Order granting Defendants' Motion to Dismiss the aforementioned claims set forth in Plaintiffs' Complaint.

Respectfully Submitted,

HOLSTEN & ASSOCIATES

ROBERT P. DIDOMENICIS, ESQUIRE

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